

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) CR-13-00076 RMW
)
PLAINTIFF,) SAN JOSE, CALIFORNIA
)
VS.) JUNE 23, 2014
)
LENNIE LUAN LE, ET AL,) PAGES 1-6
)
DEFENDANTS.)
_____)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFF: UNITED STATES ATTORNEY'S OFFICE
BY: RICHARD C. CHENG
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SAN FRANCISCO, CALIFORNIA 94102

FOR DEFENDANT LE: LAW OFFICES OF MORALES & LEANOS
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APPEARANCES CONTINUED ON NEXT PAGE

OFFICIAL COURT REPORTER: LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY
TRANSCRIPT PRODUCED WITH COMPUTER

APPEARANCES (CONTINUED)

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FOR DEFENDANT QUE NGUYEN: FEDERAL PUBLIC DEFENDER'S OFFICE
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1 SAN JOSE, CALIFORNIA

JUNE 23, 2014

2 P R O C E E D I N G S

3 (COURT CONVENED AT 9:07 A.M.)

4 THE CLERK: CALLING CASE CR-13-76, U.S.A. VERSUS
5 LENNIE LE, QUOC TRAN, TU NGUYEN, DUNG DINH, QUE NGUYEN,
6 JOHNNY TO, MINDY TU, AND NGAN DIEP, ALL ON FOR STATUS.

7 MR. CHENG: GOOD MORNING, YOUR HONOR.

8 RICHARD CHENG ON BEHALF OF THE UNITED STATES.

9 MS. LIE: GOOD MORNING YOUR HONOR.

10 CYNTHIA LIE FOR QUE NGUYEN. SHE'S PRESENT OUT OF CUSTODY
11 IN THE BACK.

12 MR. MORALES: GOOD MORNING.

13 ALFREDO MORALES ON BEHALF OF LENNIE LUAN, WHO IS PRESENT
14 IN CUSTODY.

15 MR. HINCKLEY: YOUR HONOR, MIKE HINCKLEY FOR
16 TU NGUYEN, WHO IS PRESENT OUT OF CUSTODY.

17 MS. LY: VAN LY FOR MINDY TU.

18 MR. WILLIAMS: BEN WILLIAMS FOR QUOC TRAN. HE
19 APPEARS BEFORE THE COURT IN CUSTODY.

20 MR. BELL: FRANK BELL ON BEHALF OF MR. TO. HE IS
21 PRESENT OUT OF CUSTODY.

22 MR. ARNOLD: YOUR HONOR, GOOD MORNING. THANK YOU.

23 I'M MARK ARNOLD ON BEHALF OF DUNG DINH, AND I'LL APPEAR
24 SPECIALLY FOR PHIL SCHNAYERSON ON HIS BEHALF.

25 AND I'M ALSO APPEARING FOR MY CLIENT, NGAN DIEP. I ASK

1 HER PRESENCE BE EXCUSED. SHE'S STILL RECOVERING FROM HER
2 SEVERE INJURIES DUE TO A FIRE.

3 THE COURT: ALL RIGHT. IS THAT EVERYBODY AS FAR AS
4 YOU CAN TELL, MR. CHENG?

5 MR. CHENG: YES.

6 THE COURT: OKAY. WHAT'S THE STATUS?

7 MR. CHENG: DISCOVERY HAS BEEN PREVIOUSLY PROVIDED.
8 MY UNDERSTANDING, IN CONSULTATION WITH A.U.S.A. JOHN GLANG, AS
9 WELL AS MS. LIE, IS THAT THERE ARE A NUMBER OF DISKS THAT WERE
10 EITHER UNREADABLE OR UNINTELLIGIBLE.

11 WE HAVE COMPLETED OUR REVIEW OF COPIES THAT WE HAVE, OF
12 WHICH COPIES WERE MADE PREVIOUSLY AND GIVEN TO MS. LIE FOR
13 DISTRIBUTION, AND I WOULD ASSUME FOR REVIEW BY THE DEFENSE
14 COUNSEL.

15 THAT IS ABOUT TO BE COMPLETED WITH A NEW SET, A SMALLER
16 SUBSET OF WHAT HAS BEEN GIVEN OUT BEFORE. WE HAVE VERIFIED
17 THAT THOSE ARE READABLE AND INTELLIGIBLE AND THOSE WILL BE
18 GIVEN OUT PROBABLY BY THE END OF THIS WEEK.

19 THE COURT: OKAY. SO WHAT'S YOUR SUGGESTION?

20 MR. CHENG: WELL, MY SUGGESTION IS, AND I'LL DEFER TO
21 DEFENSE COUNSEL ON SOME OF THIS, BUT MY SUGGESTION IS THEY'LL
22 PROBABLY REQUIRE MORE TIME TO GET THAT NEW INFORMATION
23 DISSEMINATED AND REVIEWED IN APPROXIMATELY TWO TO THREE MONTHS,
24 I SUPPOSE, AND COME BACK. THERE ARE INDIVIDUALS THAT HAVE SOME
25 UNIQUE NEEDS AND REQUESTS OF THE COURT, AND PROBABLY THE

1 MAGISTRATE COURT DURING THAT INTERIM.

2 THE COURT: ALL RIGHT.

3 MS. LIE?

4 MS. LIE: FOR MS. NGUYEN, I WOULD TEND TO AGREE WITH
5 THAT.

6 THERE IS A SIGNIFICANT VOLUME OF DISCOVERY, BOTH AUDIO AND
7 OTHER MEDIA, IN THIS CASE. THERE ARE LANGUAGE ISSUES AS WELL
8 RELATING TO SOME OF THAT DISCOVERY, AND SO I THINK THAT TWO TO
9 THREE MONTHS WOULD BE APPROPRIATE.

10 THE COURT: ANYBODY DISAGREE WITH THAT?

11 MR. BELL: NO.

12 THE COURT: OKAY. ANYBODY HAVE ANY OTHER REQUESTS
13 THAT NEED TO BE HEARD AT THIS TIME?

14 OKAY. LET'S PICK A DATE TWO TO THREE MONTHS OUT.

15 THE CLERK: AUGUST 25TH.

16 MR. CHENG: THERE'S NO OBJECTION BY THE GOVERNMENT.

17 MR. BELL: I HAVE ANOTHER MATTER THAT DAY, THAT
18 MORNING AT 9:00.

19 I'LL -- THAT WOULD BE FINE WITH ME. I'LL HAVE SOMEBODY
20 APPEAR FOR ME.

21 THE COURT: ALL RIGHT. WE'LL SEE YOU ALL ON
22 AUGUST 25TH. I'LL EXCLUDE TIME ON THE BASIS IT'S NEEDED FOR
23 EFFECTIVE DEFENSE PREPARATION AND FIND THAT THE INTERESTS OF
24 JUSTICE OUTWEIGH THE NEED OF THE DEFENSE OR THE PUBLIC IN A
25 TRIAL DATE EARLIER THAN WE'LL NOW BE ABLE TO SET.

1 AND MR. CHENG, WILL YOU PREPARE THE ORDER?

2 MR. CHENG: YES, YOUR HONOR.

3 THE COURT: OKAY. THANK YOU.

4 MR. MORALES: THANK YOU, YOUR HONOR.

5 MR. BELL: THANK YOU, YOUR HONOR.

6 MS. LIE: THANK YOU, YOUR HONOR.

7 (THE PROCEEDINGS WERE CONCLUDED AT 9:12 A.M.)

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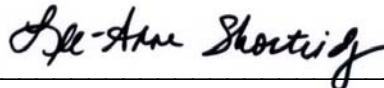
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CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.



LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

DATED: AUGUST 31, 2016